

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Zlanwoser Seekie,

Civil No. 11-1770 (RHK/FLN)

Plaintiff,

ORDER

v.

State of Minnesota,

Defendant.

Based upon the July 8, 2011, Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**; and
3. This action is **DISMISSED** pursuant to 28 U.S.C. Section 1915(e)(2)(B)(ii) and (iii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 28, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge